

HAMBLETON DISTRICT COUNCIL

Report To: Licensing Committee
29 November 2016

From: Director of Leisure and Environment (Acting)

Subject: **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

All Wards

1.0 PURPOSE AND BACKGROUND

1.1 The purpose of this report is to seek approval from the Licensing Committee for the revision of the council's Hackney Carriage and Private Hire Licensing Policy.

2.0 INFORMATION AND ANALYSIS

2.1 The Hackney Carriage and Private Hire Licensing Policy has been in effect since 1st April 2016 following approval from the Licensing Committee and, subsequently, Full Council.

2.2 In accordance with the existing policy, all applicants for a hackney carriage or private hire driver's licence are required to have successfully completed a Driver and Vehicle Standards Agency (DVSA) taxi assessment. The assessment involves:

- an eyesight test,
- manoeuvres,
- driving without directions,
- emergency stops,
- related questions (e.g. what to do if a passenger leaves property in the vehicle),
- questions from the Highway Code and identifying traffic signs and road markings.

2.3 On 31st August 2016, the DVSA wrote to all licensing authorities to confirm that the provision of the taxi assessments would be withdrawn with effect from 31st December 2016. The letter is attached at Annex A.

2.4 Hambleton District Council requires a vision assessment to be undertaken as part of a driver's medical assessment and questions relating to policy requirements, Highway Code and traffic signs are already covered by the council's knowledge test. On that basis, it is only the practical driving elements of the assessment that would be unaccounted for when determining applications in future.

2.5 All applicants for a hackney carriage and/or private hire driver licence must have held a DVLA licence for at least one year and all penalty points are monitored in line with the council's policy. On that basis, the council can still be satisfied as to any applicant's driving ability and any concerns can be addressed on a case-by-case basis.

2.6 The requirement to pass a practical driving test is not compulsory and, indeed, some authorities choose not to adopt a policy in this regard. In the absence of any obvious equivalents to the DVSA test, it is proposed to dispense with the requirement to produce a DVSA test certificate with immediate effect.

- 2.7 A new provision of the council's policy is also due to take effect from 1st January 2017 requiring drivers of wheelchair accessible vehicles to demonstrate their ability to safely load and unload wheelchairs and to fasten, secure and release any belts, harnesses and clamps. Following the DVSA's decision to withdraw these assessments, it will not be possible to implement the new provisions and therefore the equality measures that the council intended to take will have no impact. There remains, however, an element of equality training and wheelchair use in the customer care course (which all drivers still have to complete within 12 months of obtaining a licence).
- 2.8 In order to ensure that all drivers of wheelchair accessible vehicles are capable of using the equipment, the following condition has been drafted and, if approved, will appear on all hackney carriage and private hire vehicle licences:
- "The holder of this licence shall ensure that the driver understands how to operate the vehicle and any equipment, including, where applicable, any equipment fitted to make the vehicle accessible by disabled persons"*.
- 2.9 At present, no signs, notices, advertisements etc. shall be displayed on, in or from the vehicle unless it has been authorised by the licensing authority. In order to clarify the council's general position in this regard, it is proposed to insert a new paragraph 2.9 into the policy (also duplicated at paragraph 3.9).
- 2.10 The revised draft policy is attached at Annex B.
- 2.11 For clarity, the proposed amendments to the existing policy (April 2016) are as follows:
- Paragraphs 2.9 and 3.9 (relating to signage on licensed vehicles) added.
 - References to DVSA assessment deleted at paragraphs 4.2.2, 4.8 and 4.19.5.
 - Condition 17 (relating to driver's wheelchair accessible vehicle training) amended in Annex B.
 - Condition 5 (relating to driver's wheelchair accessible vehicle capability) inserted into Annex D and Annex E.

3.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES

- 3.1 There are no significant financial implications associated with this report..

4.0 EQUALITIES AND DIVERSITY ISSUES

- 4.1 The Council's Equality duty has been considered and any implications have been addressed within the revised Hackney Carriage and Private Hire Licensing Policy.
- 4.2 The DVSA's decision to withdraw the taxi driver assessments will have no adverse impact on existing procedures (because the provisions were not due to come into effect until 1st January 2017).
- 4.3 If the proposed condition is imposed on all vehicle licences, the proprietor of the vehicle will be responsible for ensuring that any relevant training is undertaken where applicable.
- 4.4 There remains an element of equality training and wheelchair use in the customer care course, which all drivers are required to complete within 12 months of obtaining a licence (in accordance with paragraph 4.8 of the revised policy).

5.0 LEGAL IMPLICATIONS

5.1 There are no significant legal implications associated with this report.

6.0 RECOMMENDATIONS

6.1 That the Licensing Committee approves the revised Hackney Carriage and Private Hire Licensing Policy with effect from 1 January 2017.

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Background papers: Hackney Carriage and Private Hire Licensing Policy (April 2016)
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